IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2644 OF 2006
IN
WRIT PETITION NO.4808 OF 1992

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Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

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Shri N.V.Walawalkar, Sr Counsel for the Petitioner Nos.1 and 2
Ms V.Mhaispurkar, A.G.P for the Respondent No.1.
Shri J.B.Famchandani for the Respondent Nos.3 to 5.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 27, 2007.

P.C.:

1. Heard the learned counsel appearing for the parties. The prayer in this Application is for seeking permission to carry out necessary water proofing work to prevent leakage of water in flat NO.24 and for injunction restraining the third to fifth Respondents in Civil Application from obstructing the work of repairs. The challenge in the main Writ Petition is to the order passed by the Charity Commissioner in proceedings arising out of section 36 of the Bombay Public Trust Act, 1950. There is no order passed in the Writ Petition which prevents the Applicant from carrying out repairs. If there is any obstruction at the instance of the landlords it is for the Applicants to take out

appropriate proceedings in that behalf. Considering the scope of the Writ Petition, the relief claimed in this Application cannot be granted by this Court in the pending Writ Petition.

2. Hence, Civil Application is rejected. However, all legal remedies of the Applicants are expressly kept open.

JUDGE